

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ana Burcroff	Team: Team # 6	CCRB Case #: 200107958	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/19/2001 8:30 AM	Location of Incident: W. 55th Street between 8th and 9th Avenue	18 Mo. SOL 4/19/2003	Precinct: 18		
Date/Time CV Reported Tue, 12/11/2001 12:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/11/2001 12:22 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Manuel Alamo	01323	889488	DB BXHM
2. POM Barry Hamber	00946	887312	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A . DT3 Manuel Alamo	Discourtesy: Det. Manuel Alamo spoke rudely to § 87(2)(b)	A . § 87(2)(g)
B . DT3 Manuel Alamo	Discourtesy: Det. Manuel Alamo acted rudely toward § 87(2)(b)	B . § 87(2)(g)
C . DT3 Manuel Alamo	Off. Language: Det. Alamo made remarks to § 87(2)(b) based upon ethnicity.	C . § 87(2)(g)
D . DT3 Manuel Alamo	Force: Det. Manuel Alamo pulled § 87(2)(b) glasses off of his face.	D . § 87(2)(g)
E . DT3 Manuel Alamo	Other: Det. Manuel Alamo intentionally made a false statement to CCRB when he said that he did not ask § 87(2)(b) "What's your fucking problem?", throw § 87(2)(b) glasses, or say, "Fuck you Arab shit."	E . § 87(2)(g), § 87(4-b)
F . § 87(2)(g), § 87(4-b)		F . § 87(2)(g), § 87(4-b)

Synopsis

§ 87(2)(b) is a livery cab driver. On October 19, 2001, § 87(2)(b) was driving on W. 55th Street to make a pick up on the Upper West Side. A driver in a white SUV behind § 87(2)(b) kept trying to pass him, although traffic was flowing in only one lane. The SUV driver said to § 87(2)(b) “What’s your fucking problem?” The SUV driver continued trying to pass § 87(2)(b) then flashed a shield at § 87(2)(b) and said, “You see that? I’m a cop so you better calm your ass down.” § 87(2)(b) and the SUV driver both pulled their vehicles forward at the same time, blocking each other off at W. 55th Street between 8th and 9th Avenue. The SUV driver exited his vehicle and looked inside § 87(2)(b)’s car. On the dash board there was a Koran, an American flag and an Egyptian flag; Arabic music was playing on radio, and an Arabic newspaper was on the passenger seat. The SUV driver ripped § 87(2)(b)’s glasses from his face, threw them on the dashboard and said, “Fuck you Arab shit.”

Mediation was offered to § 87(2)(b) at the time of the interview, and he asked the investigator for time to think about it. § 87(2)(b)’s lawyer contacted the investigator a few days later and stated that § 87(2)(b) did not want his complaint mediated. The driver of the white SUV and a uniformed police officer that § 87(2)(b) later flagged down were identified from vehicle numbers that § 87(2)(b) provided. The driver of the white SUV, Det. Manuel Alamo, informed CCRB that he would have been driving his son to school at § 87(2)(b), but did not have any interaction with another driver on W. 55th Street between 8th and 9th Avenue. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Summary of Complaint

§ 87(2)(b) initially contacted the Arab American Family Support Center, and informed the organization about this incident. § 87(2)(b), of the Arab American Family Support Center, then contacted § 87(2)(b) an attorney at Sullivan and Cromwell, via email asking for a pro bono attorney to represent § 87(2)(b). § 87(2)(b) wrote a detailed account of the incident in the email (encl. 1.a-b). § 87(2)(b) accepted the request, and represents § 87(2)(b) along with § 87(2)(b), also of Sullivan and Cromwell. § 87(2)(b) provided a copy of the email to CCRB. § 87(2)(g)

§ 87(2)(b) provided a statement to CCRB on December 17, 2001 (encl. 5.a-c), and he was accompanied by § 87(2)(b). § 87(2)(b) is a driver for a car service called § 87(2)(b). On October 19, 2001 § 87(2)(b) dropped off his wife at work and went on duty at 8:30pm. He received a call for a pick up on the Upper West Side. § 87(2)(b) was driving westbound on W.55th Street in Manhattan, which is a one way street. Traffic was flowing in only one lane because the other lanes were blocked by double parked cars on either side. When § 87(2)(b) entered the intersection of W.55th Street and Broadway, a white SUV attempted to pass him in the intersection. The SUV was driven by dark haired male, and there was a young child inside. § 87(2)(b) did not let the SUV through.

The driver of the white SUV became upset with § 87(2)(b) and began driving aggressively, keeping two inches between his car and § 87(2)(b). Traffic stopped when § 87(2)(b) was about to enter the intersection of W.55th Street and 8th Avenue. The white SUV pulled up on § 87(2)(b)’s left side and lowered his window. § 87(2)(b)’s window was already open. The SUV driver said, “What’s your fucking problem?” § 87(2)(b) instructed the driver to wait for the light if he wanted to cut in front. § 87(2)(b) is Arabic, and he speaks English with an accent. The driver of the SUV repeated what § 87(2)(b) said, imitating his accent. The SUV driver pulled a silver shield in a leather case from his pocket and showed it to § 87(2)(b) saying, “You see that? I’m a cop so you better calm your ass down.” § 87(2)(b) saw that the driver was holding a silver badge inside a black leather case. § 87(2)(b) suspected the shield was fake.

§ 87(2)(b) informed the driver that he was surprised by his behavior since he was a police officer. Traffic began moving again and the SUV driver continued trying to edge his car in front of § 87(2)(b)'s. § 87(2)(b) and the SUV driver pulled their vehicles forward at the same time, blocking each other off in the process because there was not enough room for both of them in the lane due to the double parked vehicles around them.

The SUV driver exited his vehicle, approached § 87(2)(b)'s driver side window and asked "Do you want to ruin your day?" § 87(2)(b) instructed the SUV driver to return to his car. The SUV driver began searching with his eyes all over the inside of § 87(2)(b)'s car. § 87(2)(b) stated in the interview, "if you look at my car you have to say either I'm Arab or I'm Arab, nothing else." On the dashboard there was a small Egyptian flag, a small American flag and a Koran that was lying open. Arabic music was playing on the stereo and there was an Arabic newspaper in plain view on the passenger seat. With his right hand, the SUV driver grabbed the left side of § 87(2)(b)'s glasses, tore them off his face and threw them on the dashboard and said, "Fuck you Arab shit."

§ 87(2)(b) didn't want any trouble, so he backed up his vehicle, allowing the SUV to go in front. The driver got back inside his SUV and moved in front of § 87(2)(b). § 87(2)(b) wrote the license plate number of the SUV, § 87(2)(b) on an envelope he had lying around in the car. § 87(2)(b) was traveling behind the SUV as they approached 9th Ave. Out of his rear view mirror § 87(2)(b) saw a uniformed officer, PO Hamber, driving a three wheel scooter behind him. § 87(2)(b) jumped out of his vehicle and stopped PO Hamber saying, "Officer please, this guy is pretending to be a cop," and told him the story of the incident that had just taken place. PO Hamber took the envelope on which § 87(2)(b) had written the license plate number of the SUV.

The SUV made a left turn on 9th Avenue, and PO Hamber followed behind. The SUV pulled over immediately at W.54th Street and 9th Ave. § 87(2)(b)'s vehicle was directly behind the other two, approximately ten feet away. § 87(2)(b) could see the face of the SUV driver in the man's left side mirror. The SUV driver showed something to the uniformed officer, and the SUV driver began laughing. § 87(2)(b) didn't like the way the interaction between the officer and the driver of the SUV was going, because it didn't appear as if the uniformed officer was taking any action. § 87(2)(b) wrote down the number of PO Hamber's vehicle, #3453.

The SUV driver drove away. PO Hamber returned to § 87(2)(b)'s car and said, "You know, traffic is bad. Everybody is angry, everybody is mad, it's a crazy time...don't let this upset you." § 87(2)(b) informed PO Hamber that the SUV driver had shown him a shield, and asked if the SUV driver was a police officer. PO Hamber replied that the SUV driver was not a police officer and handed back the envelope on which the SUV's license plate number was written. § 87(2)(b) drove away.

§ 87(2)(b) was shown eight single photos of police officers on June 3, 2002 (encl. 5.d-n), two of whom were Det. Manuel Alamo and PO Barry Hamber. § 87(2)(b) did not recognize any of the officers in the photos. § 87(2)(b) clarified that the child inside of Det. Alamo's SUV was sitting in the front passenger seat.

Results of Investigation

Officer Identification

At the time of the incident, § 87(2)(b) recorded on an envelope the license plate number of the white SUV, § 87(2)(b). § 87(2)(b) lost the white envelope sometime between speaking with his attorneys, § 87(2)(b), § 87(2)(b) and § 87(2)(b), and CCRB.) A search in DMV showed that the SUV was registered to Det. Manuel Alamo (encl. 13.a-e). § 87(2)(b) described the subject officer as male, with a dark complexion, possibly Hispanic, and dark hair. Det. Alamo is all of these.

On this envelope was also written the number of the police vehicle that § 87(2)(b) flagged down for assistance, #3453. The midtown north precinct identified PO Barry Hamber as the officer assigned to that vehicle, and the vehicle number was written in the first memo book entry (encl. 8.b) that PO Hamber made on the date of the incident.

Police Documents

Documents were received from the Bronx Homicide task force on May 9, 2002. The roll call (encl. 10) shows that Det. Alamo was off duty on October 19, 2001. The tour two roll call was received from the Midtown North precinct on April 2, 2002 (encl. 11.a-b). The roll call shows that PO Hamber was assigned to a conditions traffic post.

Officer Statements

Det. Manuel Alamo of Bronx Homicide provided a statement to CCRB on January 10, 2002 (encl. 7.a-b). On October 19, 2001 Det. Alamo was off duty. He did not recall what he was doing at approximately 8:30am that day. He stated that he would have been driving his § 87(2)(b) son to school. Det. Alamo drives a white 1995 Ford sports utility vehicle. Det. Alamo drives his son to school in this vehicle, and drops him off at 8:30am. His son sits in either the front passenger seat or the back seat, depending on what his son prefers. The school Det. Alamo's son attends is located on § 87(2)(b) Avenue. To arrive at his son's school from the Bronx, Det. Alamo takes the West Side Highway to § 87(2)(b), makes a left and proceeds down § 87(2)(b) two blocks to the building. He drops his son off, then continues § 87(2)(b), makes a right on § 87(2)(b) and drives back to the West Side Highway. Then Det. Alamo returns to the Bronx. Det. Alamo stated that he would not have driven on W.55th Street at 8:30am, the location and time of the alleged police misconduct, regardless of whether or not he was taking his son to school.

Det. Alamo did not recall having an altercation with another driver while driving his son to school. He did not show his shield to anyone while driving his son to school. There is a DEA card on Det. Alamo's dashboard, the size of a regular business card. Det. Alamo does not have any stickers or other details on his car that would identify him as a member of the New York City Police Department. Det. Alamo carries his shield on his side, on a clip or in a pocket. He always carries his shield with him, including when he is off duty. Det. Alamo did not have his shield at the time of his interview because he was on modified assignment. He stated that he was placed on modified assignment on October 31, 2001, twelve days after the incident.

PO Barry Hamber of Midtown North provided a statement to CCRB on April 11, 2002 (encl. 11.a-b). PO Hamber was assigned to summonses on October 19, 2001. PO Hamber documented in his memo book (encl. 8.b) that he was driving covered scooter #3453. PO Hamber did not recall anything significant or memorable from that morning. PO Hamber stated that he does not know what he was doing at approximately 8:30am, nor his exact location at the time. PO Hamber wrote his first summons of the day on the corner of W.53rd Street and 11th Avenue at 8:59am (encl. 8.c). PO Hamber did not recall being stopped by a livery cab driver. He did not recall being stopped by any driver whose vehicle contained objects such as a Koran, an Egyptian flag, an Arab newspaper or anything else that would have identified the driver as being Arabic. He did not recall being handed an envelope with a license plate number written on it. PO Hamber did not recall being stopped by a driver who complained that another driver was pretending to be a police officer. PO Hamber did not recall speaking to any off duty officers that morning, specifically an off duty officer driving a white SUV. PO Hamber explained that six months had passed since the incident, and it is possible he was there, but simply does not remember. PO Hamber stated that he does not know Det. Manuel Alamo.

Subject Officers' CCRB History (encl. 3.a-b)

Det. Manuel Alamo does not have any previously substantiated allegations against him. One allegation of discourtesy was substantiated against PO Barry Hamber in 2001, for case number 200001912. PO Hamber received a command discipline.

Subject Officer's Modified Assignment

As per Lt. Timothy Murphy, CCRB Liaison, Det. Alamo's assignment was modified from November 2, 2001 to February 7, 2002 § 87(2)(b). After February 7, 2002, Det. Alamo returned to full duty.

Conclusions and Recommendations

- A. Discourtesy: Det. Manuel Alamo spoke rudely to § 87(2)(b)**
- B. Discourtesy: Det. Manuel Alamo acted rudely toward § 87(2)(b)**
- C. Offensive Language: Det. Manuel Alamo made remarks to § 87(2)(b) based on ethnicity.**
- D. Force: Det. Manuel Alamo pulled § 87(2)(b)'s glasses off of his face.**

§ 87(2)(g) . Before § 87(2)(b) knew about the CCRB, he contacted the Asian American Legal Defense and Education Fund. § 87(2)(b) the Assistant Director of the defense fund, took § 87(2)(b)'s complaint and forwarded it via email to § 87(2)(b) Esq, an attorney at Sullivan and Cromwell § 87(2)(g) . § 87(2)(b)'s lawyers are not focused on filing a civil law suit; § 87(2)(b) is not interested in any monetary gain from this complaint.

§ 87(2)(g) .

§ 87(2)(g) .

§ 87(2)(g) .

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(b) [REDACTED] alleged that Det. Alamo yelled from his vehicle, “What’s your fucking problem?” and “I’m a cop so you better calm your ass down.” According to § 87(2)(b) [REDACTED] Det. Alamo then exited his vehicle and approached § 87(2)(b) [REDACTED]’s car. § 87(2)(b) [REDACTED] alleged that Det. Alamo ripped his glasses from his face, threw them on the dashboard and said, “Fuck you Arab shit.”

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

E. Other: Det. Manuel Alamo intentionally made a false official statement to CCRB.

§ 87(2)(b) [REDACTED]’s careful documentation of the incident show that he did in fact interact with Det. Manuel Alamo on October 19, 2001, § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

F. § 87(2)(g), § 87(4-b) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

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